

Amendment No. 1 to SB3022

Ford  
Signature of Sponsor

**AMEND Senate Bill No. 3022\***

**House Bill No. 2958**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 7, Part 1, is amended by adding the following as a new, appropriately designated section:

38-7-118.

(a) Except as provided in subsection (c), It is an offense for the chief medical examiner, a county medical examiner, or pathologist designated pursuant to § 38-7-105, to knowingly permit or fail to prevent any unauthorized person from photographing, videotaping, or otherwise capturing visual images, or audio recordings within the confines of the facility of the chief medical examiner, county medical examiner, or pathologist in whatever form of a human autopsy or a body immediately prior to, during or immediately following such an autopsy.

(b) Except as provided in subsection (c), It is an offense for any unauthorized person to knowingly photograph, videotape, or otherwise capture visual images, or audio recordings in whatever form of a human autopsy or a body immediately prior to, during or immediately following such an autopsy.

(c)

(1) A person shall not be considered "unauthorized" for purposes of subsections (a) or (b) if such person photographs, videotapes, or otherwise captures visual images, or audio recordings in whatever form of a human autopsy or a body immediately prior to, during or immediately following such an autopsy if it is done with the express written consent or at the direction of:

(A) A next of kin of the deceased;

(B) A law enforcement agency or district attorney general,  
for official use only;

(C) A court order or subpoena; or

(D) An attorney representing a defendant in a criminal case where the original photographs, images or records of the chief medical examiner, a county medical examiner, coroner or pathologist designated pursuant to § 38-7-105 are not available through discovery or are otherwise not sufficient for the defense of such defendant.

(2) As used in subdivision (1)(A), “a next of kin of the deceased” means:

(A) The spouse of the deceased if living;

(B) An adult child of the deceased;

(C) A parent of the deceased; or

(D) If there is no living spouse, adult child, or parent, a sibling of the deceased;

(E) If there is no living spouse, adult child, parent, or sibling of the deceased, a grandparent of the deceased;

(F) If none of the above are living, an uncle or aunt of the deceased; or

(G) If none of the above are living, a first cousin of the deceased.

(d) To the extent that the chief medical examiner, a county medical examiner, coroner or pathologist designated pursuant to § 38-7-105, is a covered entity under the privacy regulations promulgated pursuant to the federal Health Insurance Portability and Accountability Act of 1996, nothing in this section shall be construed to preempt any provisions of those regulations that provide greater protection of the deceased's privacy than does this section.

(e)

(1) A violation of subsection (a) is a Class A misdemeanor punishable by fine only.

(2) A violation of subsection (a) is a Class A misdemeanor if the chief medical examiner, a county medical examiner, coroner or pathologist designated pursuant to § 38-7-105, receives compensation or other thing of value as an inducement to violate this section.

(3) A violation of subsection (b) is a Class A misdemeanor punishable by fine only.

(2) A violation of subsection (b) is a Class A misdemeanor if the person offers or gives compensation or other thing of value to the chief medical examiner, a county medical examiner, coroner or pathologist designated pursuant to § 38-7-105, as an inducement to violate this section.

SECTION 2. This act shall take effect on July 1, 2004, the public welfare requiring it.